

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 6, 2005**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of July 6, 2005, was called to order by Mayor Beckman at 6:00 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual litigation: Government Code §54956.9; four applications; Steve Morrison v. City of Lodi; WCAB case numbers STK 0164758 1/31/99, STK 0164758 12/4/00, STK 0164757 12/24/00, and STK 0182425 1/15/01
- b) Conference with Blair King, City Manager, regarding Mid-Management Employees pursuant to Government Code §54957.6
- c) Actual Litigation: Government Code §54956.9(a); one case; Citizens for Open Government v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV026002
- d) Actual Litigation: Government Code §54956.9(a); one case; Lodi First, a California non-profit unincorporated association v. City of Lodi Community, by and through the City Council et al., San Joaquin County Superior Court, Case No. CV025999
- e) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- g) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- h) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- i) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Joaquin County Superior Court, Case No. CV025569

C-3 ADJOURN TO CLOSED SESSION

At 6:00 p.m., Mayor Beckman adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:02 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:05 p.m., Mayor Beckman reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a), (b), (f), (g), and (i), no reportable action was taken in closed session.

Items C-2 (c) and (d) were not discussed.

In regard to Item C-2 (e), Council approved a settlement with the Department of Toxic Substances Control (DTSC) that will pay DTSC approximately \$300,000 to \$400,000 of its \$3 million claim for past oversight costs.

In regard to Item C-2 (h), Council approved entry into nonbinding mediation with Fireman's Fund.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of July 6, 2005, was called to order by Mayor Beckman at 7:05 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Associate Pastor Jon Terry, Fairmont Seventh Day Adventist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Beckman.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Beckman presented a proclamation to Tony Goehring, Parks and Recreation Director, and Steve Dutra, Parks Superintendent, proclaiming the month of July 2005 as "Parks and Recreation Month" in the City of Lodi.

D-3 (a) Fire Chief Pretz presented the "Firefighter of the Year 2004" plaque to Captain Ken Mackey.

D-3 (b) Mayor Beckman presented a Resolution of Appreciation to Deputy City Manager Keeter for her outstanding service to the City of Lodi community. Janet S. Keeter, who was hired as the Administrative Assistant to the City Manager in February 1991, served as Economic Development Coordinator from June 1993 to April 1995, and returned to the City of Lodi as Deputy City Manager in January 1997. She recently announced her resignation from the City of Lodi, effective July 15, 2005, in order to accept the position as city manager for the city of Orinda.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Johnson, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$6,316,113.92.

E-2 The minutes of May 4, 2005 (Regular Meeting), May 17, 2005 (Shirtsleeve Session), June 14, 2005 (Shirtsleeve Session), and June 21, 2005 (Shirtsleeve Session) were approved as written.

E-3 Approved the plans and specifications and authorized advertisement for bids for Lower Sacramento Road Median Landscaping and Irrigation, Kettleman Lane to Harney Lane.

- E-4 Adopted Resolution No. 2005-127 approving the specifications and authorizing advertisement for bids for Various Street Maintenance Activities, Fiscal Year 2005-06, and authorizing the City Manager to award or reject informal bids up to \$60,000.
- E-5 Approved the specifications and authorized advertisement for bids for 20,000 feet of #1/0 medium-voltage concentric-neutral EPR-insulated underground electric cable.
- E-6 Authorized the City Manager to solicit Requests for Proposals for Workers' Compensation third party administration services.
- E-7 Adopted Resolution No. 2005-128 rejecting the two low bids and awarding purchase of 8,000 feet of 600-volt insulated electrical cable to Western States Electric, of Portland, Oregon, in the amount of \$12,895.52.
- E-8 Adopted Resolution No. 2005-129 rejecting the three lowest bids and awarding the purchase of one digital micro-ohmmeter to Megger Corporation, of Dallas, Texas, and appropriated funding in the amount of \$5,425.21.
- E-9 Adopted Resolution No. 2005-130 awarding the purchase of 17 padmount transformers to Western States Electric, of Portland, Oregon, in the amount of \$110,777.78.
- E-10 Adopted Resolution No. 2005-131 awarding the annual contract for curb, gutter, and sidewalk replacement to Jeff Case Construction, of Lodi, in the amount of \$69,050.
- E-11 Adopted Resolution No. 2005-132 accepting the improvements in Mills Avenue Single Family Homes, Tract No. 3441.
- E-12 Authorized the City Manager to execute City-County Cooperative Agreement for Lower Sacramento Road – Harney Curve Project and appropriated funds in the amount of \$400,000.
- E-13 Authorized Public Works staff to solicit Statements of Qualification from engineering consultants for preparation of 2005 Urban Water Management Plan, Integrated Water Management Plan, Reclaimed Water Master Plan, and Water Master Plan for the General Plan update.
- E-14 Adopted Resolution No. 2005-133 supporting the renewal of the San Joaquin County Recycling Market Development Zone.
- E-15 Adopted Resolution No. 2005-134 authorizing the City Manager to execute a one-year service agreement at Hutchins Street Square with Livewire Media, Inc. (aka Ticket Fusion), of Port Chester, New York.
- E-16 “Adopt resolution approving a modification to the City's professional services agreement with LSA Associates, Inc. for processing Frontiers Community Builders Development Land Use Applications and related annexations to include the preparation of an Environmental Impact Report and authorizing the City Manager to sign a contract amendment to increase the contract by the amount of \$216,505 plus an additional 10 percent (\$21,651) contingency which could be authorized by the City Manager for unanticipated out of scope work” was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-17 “Adopt resolution authorizing the City Manager to enter into a professional services agreement with Avery Associates for the recruitment of a Deputy City Manager in the amount of \$10,000” was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***

- E-18 Ratified the Interim Deputy City Manager employment agreement executed by the City Manager with Jere Kersnar.
 - E-19 Set public hearing for July 20, 2005, to consider the appeal from Yousef Haddad regarding the Planning Commission's decision of May 25, 2005, to deny his request for a Use Permit to replace seven existing condemned apartment units and a single-family house with seven new units located at 501 East Maple Street.
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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-16 "Adopt resolution approving a modification to the City's professional services agreement with LSA Associates, Inc. for processing Frontiers Community Builders Development Land Use Applications and related annexations to include the preparation of an Environmental Impact Report and authorizing the City Manager to sign a contract amendment to increase the contract by the amount of \$216,505 plus an additional 10 percent (\$21,651) contingency which could be authorized by the City Manager for unanticipated out of scope work"

Council Member Mounce felt that the timeline outlined in the LSA Associates proposal was too aggressive and did not allow sufficient opportunity for review of public comment, etc.

Council Member Hansen pointed out that, as opposed to a negative declaration, a full Environmental Impact Report (EIR) would be much more thorough.

MOTION:

Council Member Hansen made a motion, Johnson second, to adopt Resolution No. 2005-135 approving a modification to the City's professional services agreement with LSA Associates, Inc. for processing Frontiers Community Builders Development Land Use Applications and related annexations to include the preparation of an EIR and authorizing the City Manager to sign a contract amendment to increase the contract by the amount of \$216,505 plus an additional 10 percent (\$21,651) contingency, which could be authorized by the City Manager for unanticipated out of scope work.

DISCUSSION:

Mayor Pro Tempore Hitchcock expressed concern about moving forward on a project of this magnitude without having a Community Development Director on staff who has a commitment and vision for Lodi, and the ability to make changes in the process or add conditions if deemed necessary. She asked whether any of the timelines have been reduced from the typical EIR process.

Lynette Dias, Principal of LSA Associates, expressed confidence that the schedule for the scope of work outlined in the proposal could be achieved. She assured Council that staff would not allow the schedule to compromise the quality of the document and noted that there are many potential variables written into the scope of work.

City Manager King reported that LSA has been working with staff for two months discussing the impacts of this project. Additional emphasis will be placed on traffic circulation, conversion of agricultural land, and public service impacts.

Ms. Dias recalled that she had reviewed the administrative draft of the mitigated negative declaration that had been previously prepared by City staff, as well as the Housing Element EIR – off of which the mitigated negative declaration was tiered. Weekly meetings are taking place with all affected City departments. Review of the annexation and growth allocation applications has also been done. Based on this information, the draft scope of work was prepared, which complies with all California Environmental Quality Act (CEQA) requirements, as well as recent CEQA case law.

Council Member Johnson asked whether Council could extend the timelines if necessary, to which Ms. Dias indicated it could.

Council Member Mounce felt that the City's General Plan was no longer viable due to its age (adopted June 12, 1991). She preferred that the Westside and Southwest Gateway annexations be divided into two separate projects. She emphasized the importance of updating the City's General Plan and developing a greenbelt proposal prior to developing all of this property.

PUBLIC COMMENTS:

- Ann Cerney contended that this matter should have been brought before the Planning Commission for consideration. She objected to all actions related to this matter, including private fees paying for the Planning Department. She believed that those who pay for special privileges would expect to have more control over their projects. She felt that taxpayers were not getting a fair return for sharing (with developers) infrastructure that has been built and paid for over the past 100 years. She stated that vast amounts of authority and resources were being turned over to private parties. She believed that the more the City contracts out for services, the more private industry and private economic interests are involved in making planning decisions, and the less the public will be involved.

Council Member Hansen disagreed with Ms. Cerney. He felt that most people would agree it is best for the taxpayers to have Frontiers Community Builders Development pay for processing land use applications and related annexations, including the preparation of an EIR.

Mayor Beckman expressed agreement with Mr. Hansen's statements.

In reply to Mayor Pro Tempore Hitchcock, Mr. King explained that the scoping session would go before the Planning Commission. In addition, the Planning Commission would review the draft document and have an opportunity to comment upon the final EIR.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman

Noes: Council Members – Mounce

Absent: Council Members – None

- E-17 “Adopt resolution authorizing the City Manager to enter into a professional services agreement with Avery Associates for the recruitment of a Deputy City Manager in the amount of \$10,000”

Council Member Mounce explained that she would be voting against this matter because she did not support “headhunters” in general, was opposed to the tactics they use, and believed it is a waste of taxpayers' dollars.

MOTION / VOTE:

The City Council, on motion of Mayor Beckman, Hansen second, adopted Resolution No. 2005-136 authorizing the City Manager to enter into a professional services agreement with Avery Associates for the recruitment of a Deputy City Manager in the amount of \$10,000. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman

Noes: Council Members – Mounce

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Ed Beswick believed that the lighted crosswalk on Lockeford Street near Lawrence Park has likely saved lives and was money well spent. He commended the Lodi Police Department for its quick work in apprehending a car thief recently. He complained that the Fourth of July fireworks this year were not shot high enough so that people could view them from a distance.

Council Member Johnson explained that, due to an accident that occurred in another city last year, the State Fire Marshal has set a perimeter around which burning embers might fall and decreased the size of shells that can be used from six to four inches, which limits the height of the fireworks.

City Attorney Schwabauer noted that six-inch shells can still be used in firing locations that have a large clearance area; however, Lodi Lake does not.

Council Member Mounce felt that, since the City sponsors the \$18,000 fireworks, they should be displayed at a height that allows viewing by a large number of people. She stated that accommodations to allow for this should be considered before next year's event, to which Mr. Hansen expressed agreement.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Mounce thanked the Lodi-Tokay Rotary Club for its work in coordinating the 4th of July celebration at Lodi Lake. She expressed strong disappointment in the recent decision of the Supreme Court in the case of Kelo v. City of New London, relative to eminent domain power. She noted that State Senator Tom McClintock stated that the decision nullifies the Constitution's public use clause and opens an era when the rich and powerful may use government to seize the property of ordinary citizens for private gain. She quoted John Adams (second U.S. President) who said that: *"The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law in public justice to protect it, anarchy and tyranny commences."*

- Mayor Beckman agreed with Ms. Mounce and stated that he would like the City Attorney to investigate whether or not Lodi could adopt an ordinance similar to the constitutional amendment introduced by State Senator McClintock (S.C.A. 15 and A.C.A. 22).

- Council Member Johnson reported that Lodi Lake is inundated with Canada geese and the beach has been shut down since Monday due to bacteria being above acceptable levels. Some lawn areas of the park are covered in goose droppings. He encouraged the City Manager to work with the Parks and Recreation Department to find a resolution for the problem. He noted that there is a noticeable lack of landscape maintenance on public medians and rights of way. Mr. Johnson stated that he would ask his service club to adopt Hutchins Street and hoped that other civic groups would adopt various other areas of the City. At a recent conference he attended, Mr. Johnson learned that many cities are getting involved in the communications business through wireless internet, broadband, cable transmission, etc. He asked that staff look into the matter and gather information on how this might be accomplished in Lodi.

Dale Gillespie volunteered G-REM Geweke Auto Group as the first corporate participant in Council Member Johnson's idea to assist in cleaning up public landscape areas in the City.

- Council Member Hansen supported the "communications" concept and saw it as a great opportunity for Lodi. He felt that the private industry was providing a poor level of service in this regard. He reported that a committee has been formed to work with Delta College in the site selection process for a satellite campus, which hopefully could be located in or near Lodi.
- Mayor Pro Tempore Hitchcock stated that she would not support any legislation of State Senator McClintock's. In response to Mayor Beckman's earlier suggestion, she felt that before the City Attorney spends any time on the matter, it should be determined whether there is majority support on the Council to pursue it. She noted that communications and fiber optics is a quickly changing market, requires advanced technology, and is very costly – none of which is conducive to government. She suggested that the wholesale, large-user market might prove more beneficial, rather than fiber optics to provide residential service.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King stated that a meeting would be held tomorrow with representatives of the Environmental Health Department to discuss options related to the water quality at Lodi Lake. He reported that on July 5 the Governor and legislative leadership reached an agreement on the State budget. Three areas affect local government: 1) \$250 million will be made available to cities and counties for road maintenance this coming State fiscal year through Proposition 42; 2) \$25 million was set aside to reimburse cities for jail booking fees; and 3) \$1.2 billion in Vehicle License Fees will be paid back to local agencies. He noted that Lodi had an allocation of \$1.3 million and through a borrowing secured \$939,000. The bond payment will be made in November and any remaining money will be delivered to the City.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Hitchcock, Beckman second, unanimously made the following appointments:

Lodi Budget/Finance Committee

John Johnson*	Term to expire June 30, 2008
Kurt Roberts*	Term to expire June 30, 2008
Dave Kirsten	Term to expire June 30, 2008 <i>Selected by Johnson</i>
Frank Alegre	Term to expire June 30, 2009 <i>Selected by Beckman</i>
Glenda Harris-Wall	Term to expire June 30, 2009 <i>Selected by Mounce</i>
Marilyn Domingo	Term to expire June 30, 2009 <i>Selected by Hitchcock</i>
Bill Russell	Term to expire June 30, 2009 <i>Selected by Hansen</i>

**These members were selected by Council ranking. Four-year terms were given to the first four names submitted to the City Clerk's Office.*

Community Separator/Greenbelt Task Force

Gina Moran Unspecified term limit

- b) The City Council, on motion of Mayor Pro Tempore Hitchcock, Beckman second, unanimously posted for the following vacancy and expiring terms:

Lodi Animal Shelter Task Force

Janette de Jong Unspecified term limit

Greater Lodi Area Youth Commission

(Adult Advisors)

Richard Dean, LUSD Rep.	Term to expire August 30, 2005
Jeff Fleak	Term to expire August 30, 2005

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 "Adopt four resolutions authorizing the City Manager to allocate Public Benefit Program funds and/or execute contracts with professional service organizations to assist in coordinating designated Public Benefit-funded programs as identified below:

- "a) Recommend approval of the Lodi Solar Education Outreach Project (\$75,000)
"b) Recommend approval of the Lodi Electronic Waste Clean-Up Day event (\$22,000)

- “c) Recommend continuation of the Lodi Refrigerator/Freezer Recycling Program (\$35,000)
- “d) Recommend continuation of the Lodi Energy Efficient Home Improvement Rebate Program and the Lodi Appliance Rebate Program (\$200,000)”

Rob Lechner, Electric Utility Manager of Customer Service and Programs, reported that the 2005-06 goal of the Lodi Solar Education Outreach Project is to provide 10 to 15 grants to teachers of up to \$1,000 each for special solar projects. Staff also requests an extension of the professional services contract with the Rarus Institute for fiscal year 2005-06. The annual electronic waste cleanup day will be held on August 20. Contractors participating in the event are required to dismantle products and recycle the materials. JACO Environmental is the contractor for the Lodi Refrigerator/Freezer Recycling program and it is also required to dismantle the equipment. \$200,000 is requested for the Lodi Energy Efficient Home Improvement Rebate Program and the Lodi Appliance Rebate Program.

In answer to Council Member Hansen, Mr. Lechner explained that the City is required to expend \$1.2 million annually through public benefit programs.

Council Member Johnson stated that he was not in favor of the Solar Education Outreach Project, as he was not convinced that this was the best use of \$75,000.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted the following resolutions:

- Resolution No. 2005-137 authorizing the City Manager to allocate \$22,000 in Public Benefits Program funds for the Electronic Waste Clean-Up Day and further authorizing the City Manager to execute a professional services contract with Teris LLC/MSE Environmental to provide disposal and recycling services for this program;
- Resolution No. 2005-138 authorizing the City Manager to allocate \$35,000 in Public Benefits Program funds for the Lodi Refrigerator/Freezer Environmental Recycling Project and further authorizing the City Manager to execute a contract with JACO Environmental Inc. to manage the project; and
- Resolution No. 2005-139 authorizing the City Manager to extend for one year the Lodi Energy Efficient Home Improvement Rebate Program and the Lodi Appliance Rebate Program and further authorizing the City Manager to allocate \$200,000 to fund the programs.

MOTION #2 / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, adopted Resolution No. 2005-140 authorizing the City Manager to allocate \$75,000 in Public Benefits Program funds to extend the Lodi Solar Education Outreach Project and further authorizing the City Manager to execute a contract with The Rarus Institute to assist in administering elements of this program. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, and Mounce

Noes: Council Members – Johnson and Mayor Beckman

Absent: Council Members – None

- K-2 “Consider request from Dale Gillespie to amend a Development Agreement between the City of Lodi and GFLIP III, L.P. by allowing the location of an electronic display sign to be changed to 930 South Beckman Road”

Interim Community Development Director, Joseph Wood, recalled that on November 17, 2004, Council approved a development agreement for an electronic display sign as was proposed by Geweke Automotive Group. Subsequent to that approval, the applicants have

considered relocating the sign to a location that is on City property, i.e. a portion of the Pixley Park basin area. They are now requesting that the development agreement be amended to allow for the change. The Planning Commission considered the request on May 25 and recommended approval with the condition that the sign not be installed until the property closes escrow for the land swap between the City and the applicant. Since that time, staff has learned that the land exchange is not expected to be completed for another 18 to 24 months; however, the sign will be delivered soon. Staff has reconsidered and is now recommending that the applicant enter into a land use agreement with the City to allow placement of the sign on City-owned property prior to the completion of the land exchange for \$898 a month with an annual escalator of 3.5%.

In reply to Council Member Hansen, Mr. Prima explained that the land swap was conditioned on Geweke improving the basin and restoring the old site. They are preparing plans on it now and it will take months to excavate the basin.

Mayor Pro Tempore Hitchcock asked why a change in conditions set by the Planning Commission is being brought to Council instead of back to the Commission. She asked whether there was a change that the Commission might object to.

City Attorney Schwabauer stated that the decision about what the development agreement will provide is made by the Council. The Planning Commission makes recommendations to the Council. There is no legal reason why this matter would have to go back to the Commission.

PUBLIC COMMENTS:

- In answer to Mayor Pro Tempore Hitchcock, Dale Gillespie representing Geweke stated that he had no objection to a condition requiring that the sign be removed if the land swap did not go through.
- Dennis Haugan, Chairman of the Planning Commission, expressed support for the request of Dale Gillespie to amend the development agreement.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously approved the request from Dale Gillespie to amend a Development Agreement between the City of Lodi and GFLIP III, L.P. by allowing the location of an electronic display sign to be changed to 930 South Beckman Road and directed the City Attorney to draft a two-year lease, which requires removal of the electronic display sign at the expiration of the lease.

RECESS

At 9:02 p.m., Mayor Beckman called for a recess, and the City Council meeting reconvened at 9:12 p.m.

K. REGULAR CALENDAR (Continued)

- K-3 "Adopt resolution authorizing the City Manager to execute contracts with Greyhound Bus Lines, Inc. and MV Public Transportation, Inc. to operate Greyhound bus services at Lodi Station"

Public Works Director Prima noted that Council received a "blue sheet" staff report on this item (filed). He reported that on June 17 Greyhound Bus Lines terminated its contract with the Lodi ticket agent. MV Public Transportation (MV) has expressed an interest in taking over the lease. The proposed agreement between the City and MV would provide that MV would perform the ticketing function of the Greyhound operations in exchange for 50% of the commission the City receives from Greyhound and MV would have use of the North Annex at the Lodi Station.

Tiffani Fink, Transportation Manager, estimated the commission to be \$30,000 annually. She noted that, under the previous arrangement, the only revenue the City received for having Greyhound on site was through rent that averaged \$5,000 a year.

PUBLIC COMMENTS:

- Carlos Ramirez, Manager of Agency Operations for Greyhound, thanked the City for its support and confirmed that Greyhound desires to continue providing services in Lodi.

In response to questions posed by Council Member Johnson, Ms. Fink reported that the square footage of the area previously used by the Greyhound independent agent was 980 square feet. MV needs additional room to provide staff training. The total building size is 1,200 square feet. MV does not currently pay for the space it uses at the Lodi Station now, as it is part of its contract with the City to operate the Grapeline bus service.

Council Member Johnson felt that \$1.25 per square foot was too low a price for the space.

City Manager King replied that it does not appear there is a market for the space at the Lodi Station.

Mayor Pro Tempore Hitchcock commented that the multi-modal transit station was designed for this type of purpose and she felt the proposal was a good use.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, adopted Resolution No. 2005-141 authorizing the City Manager to execute contracts with Greyhound Bus Lines, Inc. and MV Public Transportation, Inc. to operate Greyhound bus services at Lodi Station. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Mounce, and Mayor Beckman

Noes: Council Members – Johnson

Absent: Council Members – None

- K-4 “Presentation of information related to applications submitted pursuant to the City of Lodi’s Growth Management Plan for residential development for 2005”

City Manager King stated that, pursuant to the Growth Management Plan for residential development, the City receives development proposals through May 31 annually. In the past, at the approval stage the requests for allocations are brought before Council. He felt the community would be better served to present the information to Council earlier in the process. He reported that 3,382 growth allocations remain in the City’s reservoir, due to the carryover factor. This year, the City has received applications for 2,595 units.

Lynnette Dias, Contract Planner, reported that the City received six applications for growth allocations. One application was rejected because the property owner had not authorized the applicant to submit the application. Staff is now in the process of determining whether the remaining five applications are complete. Applications received from Frontier Community Builders that are associated with its annexation requests include: 1) Westside Project with 821 units, 2) Southwest Gateway with 1,533 units, and 3) Westgate Apartments with 158 units. Miller Ranch at 401 E. Harney Lane requested 67 single-family allocations. Almond Drive Multi-Family Housing requested 16 allocations. Ms. Dias explained that, in the past, Community Development has processed all the requests for growth applications simultaneously and presented one report to the Planning Commission. The Commission then makes a recommendation to Council and the Council makes a final decision on the growth allocations. She noted that the growth allocation ordinance includes a map showing priority 1, 2, and 3 areas of the City. Priority 1 requests receive the highest number of points per the criteria established by the City. This year, the City has received

priority 1 and 3 requests. Staff is proposing to process the priority 1 requests that do not involve annexation and bring them forward as one packet to the Planning Commission and Council for consideration. It is anticipated that the environmental review on those applications can be done with initial studies and mitigated negative declarations. Subsequent to that action, an Environmental Impact Report (EIR), including the annexation requests, General Plan amendment, rezoning, and growth allocation requests for the other projects, will be brought forward.

Mayor Pro Tempore Hitchcock believed it was premature to accept allocation requests for the Westside and Southwest projects and suggested that 2006 would be more appropriate to consider them.

Discussion ensued regarding the growth allocation process as defined in Ordinance 1521, Resolution 91-170, and Resolution 91-171.

Ms. Dias explained that Frontiers Development recognizes that it cannot get its growth allocations for the Westside and Southwest projects until the annexation is done; however, it desires to have as streamlined a process as possible so the projects, as a whole, can be negotiated. She pointed out that it is difficult for the City to negotiate a development agreement without knowing how many allocations it is going to receive. Ms. Dias stated that Frontiers has not requested allocations for its high-density projects. It has, however, proposed an area of the site for high-density residential. Staff has not yet received detailed information such as what the units will look like.

Mr. King understood that the applicant had been ready to submit the annexation proposal prior to the certification of the Housing Element; however, they were encouraged to delay the proposal until the Housing Element was certified. Subsequently, they brought forward their application with the understanding that the annexation and growth allocation would be processed.

Mayor Pro Tempore Hitchcock stated that the General Plan is not adequate at this time because it needs to be updated. She cautioned against moving forward with the Westside and Southwest projects, because there needs to be ample time for careful review and consideration of what is best for the City long-term.

Council Member Mounce agreed with Ms. Hitchcock and added that she did not want to be rushed or make assumptions. She emphasized the importance of being accurate, complete, and making decisions to protect Lodi's future.

Council Member Hansen felt it was important to determine early on that there will be multi-family units in the development so that the developer is held to building them and prospective homebuyers are aware of the plans for the area.

Ms. Dias confirmed that Council does not have to approve all the requested allocations if it determines it is not appropriate.

Mayor Beckman suggested that it be required that a minimum of 16 to 18 units be constructed in areas that are zoned high density.

Council Member Mounce favored mixed-use developments.

PUBLIC COMMENTS:

- Ann Cerney inquired: 1) what the next step in this process would be, 2) how soon the priority 1 units could be built, and 3) if the projects had proceeded to the point where permits would soon be issued.

Mr. King reported that 241 applications had been submitted within the priority 1 category. After the growth allocation is awarded, the applicant then needs to submit a tentative map. The application process then continues under the typical vesting tentative map process. Based upon the usual process, the priority 1 allocations would be considered for approval in September.

Ms. Dias added that multi-family projects also require Site Plan and Architectural Review Committee approval prior to a building permit being issued.

Ms. Cerney asked whether it is mandatory to make the allocations once the processes have been completed and approved.

City Attorney Schwabauer stated that the Growth Management Plan, in and of itself, does not create an entitlement; rather, it limits entitlements. There may be other elements of law, such as constitutional requirements with regard to property rights that would require the City to approve an application independently of the Growth Management Allocation Plan.

MOTION / VOTE:

There was no Council action necessary on this item.

- K-5 "Authorize the City Manager to execute a contract with the San Joaquin County Sheriff's Office for the Alternative Work Program for general maintenance within the City parks and recreation facilities for the period of September 2005 to June 30, 2006"

Steve Dutra, Parks Superintendent, reported that the Parks Division has had a long-standing relationship with local judges as a work site for community service participants. In this program, the City does not provide transportation, compensation, or Workers Compensation insurance. The Parks Division also participates in the Community Corp. work program offered through the County Sheriff's Department. A County Inmate Worksite Supervisor transports the participants and provides supervision. The City is charged a flat fee of \$300 per day for a Community Corp. crew. The Alternative Work Program (AWP) is a voluntary, self-supporting program through the County Sheriff's Department, in which participants pay an administrative fee. Mr. Dutra reported that comments were solicited from surrounding cities that participate in the AWP. Respondents stated that it is important to have strong leaders working with the participants of the program, to be strict about the rules, and supervise them closely. Most stated that only half of the number requested actually show up for work. Some of the cities do not allow the AWP participants to have public contact. Mr. Dutra commented that some of his staff members have expressed concern that the AWP has the potential of eliminating permanent full-time jobs. He reported that most Parks and Recreation Commissioners are in support of the AWP. Mr. Dutra requested direction on whether the AWP participants should be identified by wearing colored vests, if they should be allowed to operate power equipment, and where they should be allowed to work. He noted that a "blue sheet" contract for the AWP was distributed to Council (filed). He stated that the cost to provide supervision through the County is \$80,000 to \$110,000 annually; however, if Lodi participates in the AWP, Parks and Recreation staff would provide supervision. The City would also need to provide Workers Compensation insurance.

In response to Mr. Dutra's request for direction, City Manager King saw the means, methods, and direction of the work to be under the purview of management.

Council Member Johnson disagreed and felt that, whether the AWP participants are identified is a policy decision and he also thought that Council should make the decision regarding the type of equipment used.

In response to Mayor Beckman, Parks & Recreation Director Goehring stated that most of the support for the AWP came from one Commissioner who was familiar with the program in Stockton. Mr. Goehring stated that he had not yet determined whether he was in favor of the program or not.

Council Member Johnson expressed surprise at staff's report this evening, noting that it varied greatly from what he heard when serving on the Parks and Recreation Commission. He felt that, due to the lack of enthusiasm from staff, the program would not likely succeed. He suggested that the matter not be decided until a representative from the Sheriff's Office can come to a Council meeting to answer questions.

In answer to Council Member Hansen, Mr. Dutra stated that staff on the level of Maintenance III and above have the skills necessary to supervise the AWP participants; however, doing so would limit them from their other responsibilities.

Mr. King suggested that this matter be tabled to allow staff an opportunity to identify how the AWP can be used and whether it is an appropriate tool.

MOTION / VOTE:

Following discussion, Council concurred with the City Manager to table this matter.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Johnson, Hitchcock second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman

Noes: Council Members – Mounce

Absent: Council Members – None

K. REGULAR CALENDAR (Continued)

K-6 “Adopt resolution creating job specifications for Information Systems Analyst (ISD), Energy Specialist (EUD), and Literacy Coordinator (LIB), amending job specifications for Electrical Technician (EUD), and amending job specifications and title for Police Volunteer Supervisor (PD)”

Deputy City Manager Keeter explained that a number of the City's job classifications are outdated and she requested the following:

- Convert Data Processing Programmer Analyst to Information Systems Analyst;
- Create a new job specification in the Electric Utility Department for Energy Specialist. Ms. Keeter noted that the individual filling the position is on contract and staff is recommending that the contract position be eliminated;
- Create a new job specification for Library Literacy Services Coordinator. Ms. Keeter stated that the person currently filling the position is a contract employee; however, the position is needed long-term;
- Update the job specification for Electrical Technician; and
- Update the job specification and change the title of Police Volunteer Supervisor to Special Services Manager.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2005-142 creating job specifications for Information Systems Analyst (ISD), Energy Specialist (EUD), and Literacy Coordinator (LIB), amending job specifications for Electrical Technician (EUD), and amending job specifications and title from Police Volunteer Supervisor to Special Services Manager.

L. ORDINANCES

L-1 Following reading of the title of Ordinance No. 1762 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 2, 'Administration and Personnel,' of the Lodi Municipal Code by Adding Chapter 2.13 and 2.14 Relating to the City Clerk and City Attorney," having been introduced at a regular meeting of the Lodi City Council held June 15, 2005, the City Council, on motion of Mayor Beckman, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, Mounce, and
Mayor Beckman

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:41 p.m.

ATTEST:

Susan J. Blackston
City Clerk